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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,857	12/21/2001	James Jeannette	088305-0142	5707

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3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
STEVENS, ROBERT	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,857	JEANNETTE ET AL.	
	Examiner	Art Unit	
	Robert M. Stevens	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,10-14,19-25,27,28,33-39,44-49,51-58,60-64 and 66-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 10-14, 19-25, 27-28, 33-39, 44-49, 51-58, 60-64, 66-72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 6/27/2005 to the original application filed 12/21/2002 by Jeannette et al. entitled "... Transforming ... Between XML ... and EDI ...".

2. The Office maintains the objections to the specification raised in the First Action on the Merits (FAOM), in view of the amendment. The claim amendments insert terminology that does not appear in the specification, like the originally-filed claim terminology.

3. The Office maintains the rejections raised in the FAOM under 35 USC 101 of claims 13-14, 19-25, 27-28, 33-38, 58, 60-64 and 66-72, in view of the amendment.

4. The Office substantially maintains the FAOM rejections of claims 1 and 11 under 35 USC 102(e) as being anticipated by Yepishin, in view of the amendment, with modifications corresponding to the amendment changes.

5. The Office substantially maintains the FAOM rejections of claims 2, 12-14, 19-20, 22 and 25 under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Webber, in view of the amendment, with modifications corresponding to the amendment changes.

6. Claims 1-5, 10-14, 19-25, 27-28, 33-39, 44-49, 51-58, 60-64 and 66-72 are pending. Claim 1, 13, 27, 39, 49, 58 and 64 are independent. Claims 6-9, 15-18, 26, 29-32, 40-43, 50, 59, 65 and 73.

Office Note

7. For future reference, an objection to the specification as not providing antecedent basis for originally filed claim terminology is overcome by merely inserting the "offending" terminology into the specification. This is not new matter because the terminology appeared in the as-filed specification (i.e., in the as-filed claims). Note that inserting a definition of the terminology into the as-filed specification would, however, constitute new matter.

Specification

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terminology "computer readable medium" did not appear in the originally filed specification. Also note that insertion of such language at this point constitutes new matter.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claims 13-14, 19-25, 27-28, 33-38, 58, 60-64 and 66-72 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

Regarding independent claims 13, 58 and 73: The language of these claims merely describes a computer program per se. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Claims 14, 19-25 and 50-63 are dependent upon claims 23 and 58, as appropriate, and do not add any limitations that would render these claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

Regarding independent claims 27 and 64: The language of these claims raises a question as to whether these claims are each directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in

a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

By way of example, a claim is not considered to be in the technological arts if the claim language is such that the claim elements could be performed using pencil or paper. However, one technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

The language of these claims indicates that the claims are not tangible embodied (i.e., "having code that is executable by a computer" and "code configured to cause the computer to perform"). Is this claim directed to a carrier wave? To a computer print out? The phrase "computer program product" was not defined in the specification.

Claims 28, 33-38 and 66-72 are dependent upon claims 27 and 64, as appropriate, and do not add any limitations that would render these claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 1, 10-13, 23-25, 27, 36-38, 49, 55-58, 64 and 70-72 are rejected under 35 USC 102(e)** as being anticipated by Shroeder et al (US Patent Application Publication No. 2002/0099735, filed Jan. 19, 2001 and published Jul. 25, 2002, hereafter referred to as "Shroeder").

Regarding independent claim 1, Shroeder discloses:

A computer implemented method of automatically generating Electronic Data Interchange (EDI) documents (Abstract and Fig. 1B #36) comprising the steps of:

receiving, by the trading partner, a standard data model comprising EDI related data for a plurality of transactions; (Fig. 1B #24)

generating from the standard data model, by the trading partner, data definitions for a self-describing markup language corresponding to each transaction of the EDI related data; ([0051])

generating self-describing markup language data using a data definition from the generated data definitions for the self-describing markup language corresponding to an EDI transaction and corresponding application data related to EDI; ([0052])

automatically generating, by the trading partner, an EDI document based on the self-describing markup language data; (Fig. 1B #36) *and*

wherein the step of generating data definitions further comprises, for each transaction, generating data definitions for the self-describing markup language ([0052]), *a data model to read in data* (Fig. 4 #404), *a separate data model to read out data* (Fig. 4 #412), *and a map component file.* (Fig. 4 #402)

Regarding claim 10, which is dependent upon claim 1, Shroeder further discloses:

wherein the generated EDI document conforms to an ANSI X12 standard. ([0092], re: use of X12)

Regarding claim 11, which is dependent upon claim 1, Shroeder further discloses:

> *wherein the generated EDI document conforms to an UN EDIFACT standard.* ([0092], re: use of Edifact)

Regarding claim 12, which is dependent upon claim 1, Shroeder further discloses:

> *wherein the self-describing markup language comprises extensible Markup Language (XML).* (Fig. 1B #26, re: use of/translation to XML)

Independent claim 13 is directed to a system for implementing the method of claim 1. As such, claim 13 is substantially similar to claim 1, and therefore similarly rejected.

Claims 23-25 are substantially similar to claims 10-12, respectively, and therefore likewise rejected.

Independent claim 27 is directed to a computer program product for code configured to cause a computer to perform the method steps of claim 1. As such, claim 27 is substantially similar to claim 1, and therefore similarly rejected.

Claims 36-38 are substantially similar to claims 10-12, respectively, and therefore likewise rejected.

Regarding independent claim 49, Shroeder discloses:

A computer implemented method of automatically generating data in a self-describing markup language format from received EDI data (Abstract, and Fig. 1B #36), comprising the steps of:

receiving EDI data (Fig. 1B #24) *from a component;* (Fig. 1B #20)

retrieving a self-describing markup language data definition corresponding to a transaction type of received EDI data; ([0052]) *and*

automatically generating self-describing markup language data based on the received EDI data and the self-describing markup language data definition, (Fig. 4 #400, #402, #404 and #412)

prior to said receiving step, generating data definitions corresponding to each transaction type from a standard data model of EDI related data, ([0051])

wherein the generating data definitions step further comprises, for each transaction, a data definition for the self-describing markup language ([0052]), *a separate EDI data model to read in data* (Fig. 4 #404), *a separate self-describing mark up language data model to read out data* (Fig. 4 #412), *and a map component file.* (Fig. 4 #402)

Claims 55-57 are substantially similar to claims 10-12, respectively, and therefore likewise rejected.

Independent claim 58 is directed to a system for implementing the method of claim 49. As such, claim 58 is substantially similar to claim 49, and therefore similarly rejected. It is further noted that the limitation:

wherein the receiver receives the self-describing markup language data definition generated by a generator. (Fig. 1B #26 and #28) is also taught by Fig. 1.

Independent claim 64 is directed to a computer program product for code configured to cause a computer to perform the method steps of claim 49 and/or

implement the system of claim 58. As such, claim 64 is substantially similar to claim 49 and 58, as appropriate, and therefore similarly rejected.

Claims 70-72 are substantially similar to claims 10-12, respectively, and therefore likewise rejected.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. **Claims 2-5, 14, 19-22, 28, 33-35, 39, 44-48, 51-54, 60-63 and 66-69 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Shroeder et al (US Patent Application Publication No. 2002/0099735, filed Jan. 19, 2001 and published Jul. 25, 2002, hereafter referred to as "Shroeder") in view of Webber (US Patent No. 6,418,400, provisionally filed Dec. 31, 1997, hereafter referred to as "Webber").

Regarding claim 2, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

Shroeder further discloses:

> *wherein the step of generating data definitions comprises receiving ... an EDI standard* (Fig. 4 #402 and [0051]), *a version of the standard* (Fig. 4 #402 and [0051]), *a transaction set.* (Fig. 4 #400, [0051] and [0052])

However, Shroeder does not explicitly disclose:

> *... user input of ... .*

Webber, though, discloses:

> *... user input of ... .* (Fig. 3 GUI)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claims 3-5 are substantially similar to claim 2, and therefore likewise rejected.

Regarding claim 14, which is dependent upon claim 13, the limitations of claim 13 have been previously addressed.

However, Shroeder does not explicitly disclose:

> *wherein the self-describing markup language comprises XML and wherein the first generator is a Data Type Definition Generator (DTD Generator).*

Webber, though, discloses:

wherein the self-describing markup language comprises XML and wherein the first generator is a Data Type Definition Generator (DTD Generator). (col. 5 lines 38-50 discuss use of DTD)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claim 19 is substantially similar to claim 2, and therefore likewise rejected.

Claims 20-22 are substantially similar to claim 19, and therefore likewise rejected.

Claim 28 is substantially similar to claim 14, and therefore likewise rejected.

Claim 33 is substantially similar to claim 2, and therefore likewise rejected.

Claims 34-35 are substantially similar to claim 33, and therefore likewise rejected.

Regarding independent claim 39, Shroeder discloses:

A computer implemented method of automatically generating Electronic Data Interchange (EDI) documents, *by the trading partner,* (Abstract and Fig. 1B #36) comprising the steps of:

receiving, by the trading partner, a standard data model containing EDI related data for a plurality of transactions; (Fig. 1B #24)

... ;

generating from the standard data model and the manual entry of parameters, data definitions for the self-describing markup language corresponding to each transaction of the EDI related data ([0051]) ... ; *and [sic]*

generating self-describing markup language data using the data definition for the self-describing markup language corresponding to an EDI transaction and corresponding application data related to EDI; ([0052]) *and*

automatically generating, by the trading partner, an EDI document based on the self-describing markup language data, (Fig. 1B #36)

wherein the step of generating data definitions further comprises, for each transaction, generating data definitions for the self-describing markup language ([0052]), *a separate EDI data model to read in data* (Fig. 4 #404), *a separate data model for read in data* (Fig. 4 #404), *a separate data model for read out data* (Fig. 4 #412), *and a map component file.* (Fig. 4 #402)

However, Shroeder does not explicitly disclose:

... :

... ;

receiving a manual entry of parameters related to an EDI document format;

... and the received manually entered parameters ... ;

... ;

... .

Webber, though, discloses:

... :

... ;

receiving a manual entry of parameters related to an EDI document format; (Fig. 3 GUI)

... and the received manually entered parameters (via data entry into the Fig. 3 GUI) ... ;

... ;

... .

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Regarding claim 44, which is dependent upon claim 39, the limitations of claim 39 have been previously addressed.

Shroeder further discloses:

> *wherein the step of receiving a manual entry of parameters comprises receiving ... an EDI standard* (Fig. 4 #402 and [0052]), *a version of the standard* (Fig. 4 #402 and [0052]), *a transaction set* (Fig. 4 #400, [0051] and [0052]), *and a direction.* (Fig. 4 #402 and #414, noting "inbound' and "outbound")

However, Shroeder does not explicitly disclose:

> ... *user input of* ... .

Webber, though, discloses:

> ... *user input of* ... . (using the Fig. 3 GUI)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claims 45-47 are substantially similar to claim 44, and therefore likewise rejected.

Regarding claim 48, which is dependent upon claim 39, the limitations of claim 39 have been previously addressed.

However, Shroeder does not explicitly disclose:

> *one data type definition for each transaction of each EDI standard used when generating EDI documents.*

Webber, though, discloses:

> *one data type definition for each transaction of each EDI standard used when generating EDI documents.* (col. 5 lines 38-50 discusses use of DTD)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Regarding claim 51, which is dependent upon claim 49, the limitations of claim 49 have been previously addressed.

Shroeder further discloses:

> *prior to said retrieving step, receiving ... an EDI standard* (Fig. 4 #402 and [0051]), *a version of the standard* (Fig. 4 #402 and [0051]), *and a transaction set in generating the self-describing markup language data definition.* (Fig. 4 #400, [0051] and [0052])

However, Shroeder does not explicitly disclose:

> ... *user input of* ... .

Webber, though, discloses:

> ... *user input of* ... . (via Fig. 3 GUI)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claims 52-54 are substantially similar to claim 51, and therefore likewise rejected.

Regarding claim 60, which is dependent upon claim 58, the limitations of claim 58 have been previously addressed.

Shroeder further discloses:

> *wherein the generator further comprises ... an EDI standard* (Fig. 4 #402 and [0051]), *a version of the standard* (Fig. 4 #402 and [0051]), *and a transaction set prior to generating the self-describing markup language format.* (Fig. 4 #400, [0051] and [0052])

However, Shroeder does not explicitly disclose:

... a user interface for user input of ... .

Webber, though, discloses:

... a user interface for user input of ... . (Fig. 3 GUI)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claims 61-63 are substantially similar to claim 60, and therefore likewise rejected.

Regarding claim 66, which is dependent upon claim 64, the limitations of claim 64 have been previously addressed.

Shroeder further discloses:

> *prior to said retrieving step, receiving ... an EDI standard* (Fig. 4 #402 and [0051]), *a version of the standard* (Fig. 4 #402 and [0051]), *and a transaction set in generating the self-describing markup language data definition.* (Fig. 4 #400, [0051] and [0052])

However, Shroeder does not explicitly disclose:

... *user input of* ... .

Webber, though, discloses:

... *user input of* ... . (via the Fig. 3 GUI)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Webber for the benefit of Shroeder, because to do so would have allowed a user to perform EDI translations using a Graphical User Interface rather than complex coding methods, as taught by Webber in the Abstract. These references were all applicable to the same field of endeavor, i.e., EDI translation.

Claims 67-69 are substantially similar to claim 66, and therefore likewise rejected.

Response to Arguments

15. Applicant's arguments have been fully considered but they are not persuasive.

Regarding the FAOM objections, the Office maintains the objections to the specification and drawings, in light of the amendment. The terminology "computer readable medium" did not appear in the originally filed specification. Also note that insertion of such language at this point constitutes new matter. Additionally, refer to "Office Note" section above.

Regarding the FAOM rejections of the claims under 35 USC 101:

Regarding independent claims 13, 27, 58 and 73: These claims were directed to software per se, and thus run afoul of 35 USC 101. Note that the Office considers a software system to be merely code. A technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein the code produces a tangible result.

Regarding independent claims 27 and 64: The language of these claims indicates that the claims are not tangible embodied (i.e., "having code that is executable by a computer" and "code configured to cause the computer to perform"). Is this claim directed to a carrier wave? To a computer print out? The phrase "computer readable medium" was not defined in the specification, and at this point represents new matter.

Regarding the FAOM rejections of the claims under 35 USC 102(a) and 35 USC 103(a):

Regarding independent claims 1, 13, 27 and 39, Applicant argues that the cited prior art does not disclose the claimed limitations, particularly the use of data models and map files.

The Office respectfully disagrees with applicant's assessment of the prior art. The Office asserts that the cited prior art, as a whole, anticipates the recited

independent claims. In particular, at least, the cited Fig. 4 of Shroeder discloses each of these elements.

Regarding independent claims 49, 58 and 64, Applicant argues that the cited prior art does not generate self describing data nor does the cited prior art teach read in and read out data models and a map component.

The Office respectfully disagrees with applicant's assessment of the prior art. The Office first asserts that XML is a self describing data format. XML is commonly referred to a "self describing" by those skilled in the art. This is noted in the title of the O'Reilly book listed in the PTO Form 892 (Ray, Erik T., Learning XML: Guide to Creating Self-Describing Data, O'Reilly Publishing, ISBN 0-596-00046-4, Jan. 2001, [one page print out downloaded from www.oreilly.com/catalog/learnxml/chapter/ch02.html]). A copy of this web page has been provided with this action.

Additionally, it is inherent in all transcoding operations a source document be read in and a target document be output. Furthermore, the use of a map component file was clearly disclosed by Shroeder in at least Fig. 4.

Applicant further argues that supermaps teach away from using data models because they are somehow too generic in nature.

The Office respectfully disagrees with applicant's assessment of the prior art. In order for transcoding to take place, there must be translation rules to be followed for a

format transformation to take place. It's unclear how Shroeder's map teaches away from being able to translate between formats.

Applicant further argues that the data described by Webber is not the exact data described in the claims.

The Office respectfully disagrees with applicant's assessment of the prior art. The Office has cited the passages in Webber that teach the limitations recited by Applicant. Even if the exact name for such data is not found used in the Webber reference, it is merely a matter of obvious design choice as to the name given to a template, for example.

The Office therefore maintains the FAOM rejections:

1) of claims 1, 10-13, 23-25, 27, 36-38, 49, 55-58, 64 and 70-72 under 35 USC 102(e) as being anticipated by Shroeder, in view of the amendment, with modifications corresponding to the amendment changes; and

2) of claims 2-5, 14, 19-22, 28, 33-35, 39, 44-48, 51-54, 60-63 and 66-69 under 35 U.S.C. 103(a) as being unpatentable over Shroeder in view of Webber, in view of the amendment, with modifications corresponding to the amendment changes.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-patent Literature

Ray, Erik T., Learning XML: Guide to Creating Self-Describing Data, O'Reilly Publishing, ISBN 0-596-00046-4, Jan. 2001, (one page print out downloaded from www.oreilly.com/catalog/learnxml/chapter/ch02.html)

US Patent Application Publications

US Patents

17. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Reg. No. 47,972
Art Unit 2176
Date: September 2, 2005

rms

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER